

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRUCE COMMITTE,

Plaintiff,

vs.

JOHN DOES,

Defendant.

8:21CV257

**MEMORANDUM
AND ORDER**

On June 1, 2022, the court granted Plaintiff 30 days to file a second amended complaint (Filing 9). After such complaint was due, Plaintiff filed a Motion for More Time (Filing 10) to file the second amended complaint because Plaintiff has been ill and because he has had word-processing and printing problems which require a part that is on order. Plaintiff's Motion contains a copy of an alleged receipt for medication prescribed and issued to Plaintiff on June 22, 2022.

Federal Rule of Civil Procedure 6(b)(1)(B) provides: "When an act may or must be done within a specified time, the court may, for good cause, extend the time . . . on motion made after the time has expired if the party failed to act because of excusable neglect." "Whether a party's neglect of a deadline is excusable is at bottom an equitable inquiry. Relevant considerations include the danger of prejudice to the opposing party, the length of the delay, the reason for the delay, and whether the movant acted in good faith." *Spirit Lake Tribe v. Jaeger*, 5 F.4th 849, 854-55 (8th Cir. 2021) (internal quotation marks and citation omitted).

Here, granting Plaintiff another 30 days in which to file a second amended complaint is not prejudicial to the opposing party because no opposing party has yet been served, the delay is only 30 days, and the reasons for the delay appear legitimate and offered in good faith. Accordingly,

IT IS ORDERED

1. Plaintiff's Motion for More Time (Filing 10) to file a second amended complaint is granted;
2. Plaintiff's second amended complaint shall be filed on or before August 5, 2022, in accordance with the court's Memorandum and Order dated June 1, 2022 (Filing 9); and
3. The Clerk of Court shall set a pro se case-management deadline accordingly.

DATED this 6th day of July, 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge